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Relevance of Regulatory Policies in Governing Adherence to Halal Concept in the Design of Food Premises in Malaysia

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Abstract

Food premises characterize as a space for food storage, preparation and serving with dining and cleaning areas. In Malaysia, halal food premises are in demand as larger population are Muslims. This paper aims to clarify holistic understanding of design of Malaysian food premises accordance halal concept. It comprehends discussion of pertinent issues gleaned from the literature reviews, available guidelines and governmental acts and policies. There are Food Act 1983, Malaysian Standards, Malaysian Halal Certification Procedure Manual 2011 by JAKIM and Trade Descriptions Act 2011. Conclusively, further explorations needed to formulate and implement best practices for Halal food premises design concept.

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Keywords: Food premises; halal concept; design; halal certification

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1. Introduction

Malaysia is leading on the edge of making himself as a halal hub of the world. The evidenced by the fact that Malaysia is a Muslim-majority country where the government has announced the development of the Halal sector. It turns into one of the potential engines for economic growth and societal development. Although the usage of halal in Malaysia is not compulsory, Malaysia being the prior to combining halal into the scope of long-term economic planning. Additionally, it is the first to announce a global halal center and create a restricted agency for halal monitoring at the national level. The impressive strategy by the government at present produced three phases called as Halal Master Plan. It prepared in pointing issues on certification, sector development, Halal integrity, implementation, timeframes and responsibilities (Zawya, 2013 and Saifol, B., 2011).

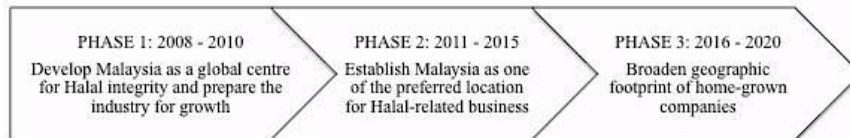


Fig. 1. The phases of Halal Master Plan in Malaysia since 2008 until future year 2020

The current condition of Malaysia, halal industry helped increase the tourist numbers, especially with the existence of Islamic Tourism Centre (ITC) by Ling, 2012. The halal industries and halal tourism is firmly supported by the Malaysian government as mentioned in the 2013 Malaysia Budget. It showed where RM200 million Halal Industry Fund to finance working capital of participating under the SME and Tourism Sector created. In the associate with Visit Malaysia Year 2013/2014, the Government has apportioned RM358 million to development expenditure, an increase of 42%, to target 26.8 million tourist arrivals” (Ministry of Finance, 2012). The Halal SME (2012) correspondingly captured that it was to create a culture of transparency and awareness of trends in the Halal Food Industry in food and beverage field. At the same time, it will become as the industry guide and the informative setting up of business the halal food spaces for owners, property developer, and the country.

2. Background issues

Due to that development and achievement, the current available halal standards in Malaysia are created to fulfil selected halal product guidelines. Since that numerous halal issues regarding certification and halal labelling the use or display methods.

The halal food industry is necessary crucial for Muslims all over the world as it serves to ensure them that the food items they consume daily are Syariah-compliant. Meanwhile, this paper analyses lacking awareness related to halal food premises could create misunderstanding, especially during the application and requirement process for halal certification (Moktar, L., 2011). For example, the designers or stakeholders could have difficulties complying with several guidelines or procedures before being Halal certified.

Malaysia known as a multi-culture communities create various scenario of the food premise in term of halal concept. For instance, characteristic of Halal standards in public food area. There was an issue regarding public food space that serving both halal and non-halal in Kota Samarahan, Kuching last reported by Bernama (July, 2013). The eatery space had been ordered closed by Sarawak Health Department. Furthermore, most of the previous research was recognized halal as a product and regulation progress for food production and services neither in the food area design. Nonetheless, various experts viewed that the design space for food area only establishes by publishing the halal logo or certified by local authorities. It is legally for the public to verify the status of the food without concern the meaning of attire halal process.

However, the paper is more concerned with the relationship connection between several criteria, authority policies and acts of Halal concept with a design approach towards food premises in specific. Since the aims to clarify holistic understanding of design of Malaysian food premises accordance halal concept. It comprehends

discussion of pertinent issues gleaned from the literature reviews, available guidelines and governmental acts and policies as the methodology. There are Food Act 1983, Malaysian Standards, Malaysian Halal Certification Procedure Manual 2011 by JAKIM and Trade Descriptions Act 2011.

3. The halal concept for food premises

3.1. Food premises

Food premises directly involves with food and beverages (F&B) categories known under hospitality sector. The Rideau Valley Conservation Authority (2011) defines food premises as an area where food or beverages for human consumption or food or drink for human. It related activities produce, processed available serve stored, displayed and operated distributed were sold or offered for sale.

In Malaysia, there are selected terminologies of food premises by government for legislation procedures. Food premise is a buildings and areas that dealt with in connection with a business, food and beverage outlets declared by Department of Islamic Development, JAKIM (2011). The space includes restaurant, food court, a commercial kitchen, cafeteria, bakery, cakes and pastries, fast food restaurants, canteens, restaurants and hotel kitchens, kiosk, catering services and others.

Referring to Malaysia Standard of Halal Food for Production, Preparation, Handling and Storage in General Guidelines (MS 1500:2009), elaborated food premises in any type of building or structure either permanent or else built on any land or other attached construction. Otherwise, the task comprises procedure of preparation, slaughtering, processing, handling, packaging, storage, distribution and food sale involvement.

Earlier acknowledgement stated that food premises as a place with a combination of preparation, preservation, packaging, storage, conveyance, distribution process or sale of any food and beverages activities (Food Act, 1983). Beside includes any food of relabelling, reprocessing or reconditioning procedures. In Food Act (1983) mentioned premises into these descriptions:

- Any building or tent or structure either permanent or otherwise together with the land is whether situated and adjoining land used connection by any vehicle, conveyance, vessel or aircraft; and
- Any street, open space or place of public resort or bicycle or any vehicle used in connection with preparation, preservation, packaging, storage, conveyance, distribution or sale activities of any food and beverages.

Otherwise, the development states from Food Act, 1983 describe specifically on the process of manufacture, packaging, and any form of handling for food.

3.2. Halal concept

Halal is an Arabic in origin; meaning lawful or permitted. Based on Holy Al-Quran all type of food and beverages in proper nutrient and clean are halal. This mentioned in Al-Baqarah 2:172, "*O you who believe, eat of the good things (thoyyiban) that We have provided for you, and be thankful to Allah if it is He alone whom you worship*". The verse showed that Allah SWT wants His believers to be clean and healthy, eating and healthy food (thoyyiban).

MS 1500:2009 specific explains halal as objects or actions permitted by Shariah law without penalty to the owner or operations. Shariah law is the orders of Allah relate to the work of the people who are being accountable (makallaf) such as an obligation. The Shariah law means the legislation of Islam according to Mazhab Shafie or the other Mazhabs of Maliki, Hambali, and Hanafi defined by Malaysia law. This law had approved by the Yang di-Pertuan Agong as leader of the Federal Territory or the Ruler of any State to be a force in the state or fatwa approved by the Islamic Authority.

Halal also interpret as a dietary type in the food and health industry. In another definition, it is also translated as 'hygiene' in a bigger perspective of the overall procedure of creating a product and how it handled.

The concept of Halal in Islam has very specific motives perhaps to preserve the purity of religion and life, safeguard the Islamic mentality, future generations and property. Although halal concept is to maintain self-respect and integrity among humanity (Al-Qaradawi, 1984).

4. Collection of relevance regulation policies in Malaysia

The paper seeks intention of literature reviews collection for relevance regulatory policies for food premises towards halal concept in Malaysia. It summarizes essential information for procedure needs in halal concept of food premises design. Below are the figure of significant relevance regulation policies connecting between food premises and halal concept in Malaysia scenario.

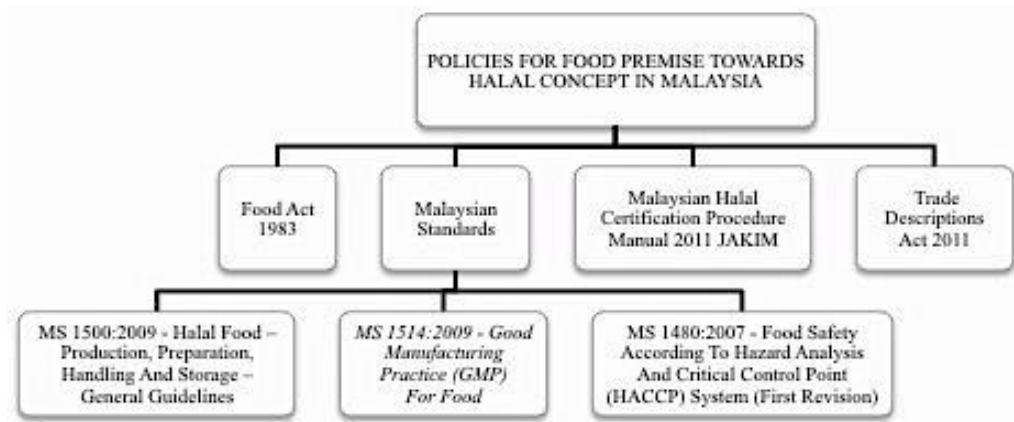


Fig. 2. The relevance regulation policies in Malaysia are governing in halal concept for food premises design.

4.1. Food Act 1983

This act is an act to protect the public from health risks and deception in the preparation, sale, use of food, and for matters incidental or connected in addition to that throughout Malaysia. In seek of this paper (design food premises) only the part of below section reviewed:

- Administration and enforcement
- Offences and evidence

Table 1. The liable section for food premises design in Food Act, 1983

Administration and enforcement	Offences and evidence
Strictly about clean and sanitary condition of premises or equipment (power of Authority Director and selected officer).	Procedure allows particular into the food product rather food premise as a space.
Procedures:	'the owner rights of the manufacturer or packer' explanations and foods contain harmful ingredients to health.
i) Report letter as a warning (specified period)	Otherwise, issue of food is not prohibition against selling food, not of the nature, substance or quality of claim tags and others discussed in this section.
a. Inspection procedure	
b. Penalty: imprisonment for a term not exceeding (5) five years or to fine or to both.	
ii). Writing report	Perhaps, the fake food labeling, power of the court to order a licence will cancelled with the food disposal, and the prosecution firmly stated in Food Act, 1983.
a. Closure of premises not clean immediately ordered the closure, warning: not exceeding fourteen (14) days of any premises providing or	

selling food
b. Do not comply with the order may be
liable to imprisonment for a term not
exceeding five (5) years or a fine or
both.

4.2. Malaysian standards

The Malaysian Standard is under Department of Standards Malaysia recognize for standardisation and accreditation body in Malaysia. This application of Malaysian Standard is voluntary use except it made a mandatory by regulatory authorities involved by means of regulations, local by-laws or any other similar ways.

4.2.1. MS 1500:2009 - Halal Food – Production, Preparation, Handling And Storage – General Guidelines (Amendment 2009)

This category of Malaysian Standard reviews of the food industry start from the preparation, handling and serving process of halal food, product includes trade and business. It is a fundamental requirement guideline contains knowledge of nutrient matter. The premises criteria discussed in this guidelines divided into 4 (four) elements:

- Layout design
- Flow of product process
- Condition
- Slaughtering

Table 2. The criteria and justification of premise in MS 1500:2009

Premise elements	Justification
Layout design	<ul style="list-style-type: none"> • Plan should provide proper flow of the process, employee, good hygiene and safety application verses to any pest infection and cross-contamination between and during operations • Clean facilities and proper food hygiene supervision designed • Provided and maintaining the sanitary facilities • Appropriately designed for loading and unloading bay
Flow of product process	<ul style="list-style-type: none"> • Started with raw materials receiving until finish product without cross-contamination • Entirely separated and well insulated from a pig farm or its related activities within human and equipment
Condition	<ul style="list-style-type: none"> • Maintain the good repair and condition to prevent from any pest and breeding sites potential access • Desisted any pets and other animals from entering the premises compound
Slaughtering	<ul style="list-style-type: none"> • Only for halal slaughtering and processing • All carcasses process like deboning, cutting, packing and storing should completely done in approval premises competent authority that require this standard

4.2.2. MS 1514:2009 - Good manufacturing practice (GMP) for food

Malaysian Standard stated the terminology of GMP as a set of regulations, codes, and guidelines that control the operational conditions within a food establishment allowing production of safe food (MS 1514:2009).

This particular standard have directly discussed design and the layout of the food premise. Food premise shall allow food hygiene practices, including protection against cross-contamination of foods during and between

operations. It requires proper precautions to reduce potential for contamination of food, food-contact surfaces or other.

In addition, the location, time, partition, air flow, enclosed systems or other efficient become necessary for operating practices to reduced adequate food safety controls. The design of aisles or working spaces should provide suitable space for workers deal with their work during operation progress.

4.2.3. MS 1480:2007 – Food safety according to hazard analysis and critical control point (HACCP) System (First Revision)

The scope of this standard describes requirement for food safety according HACCP system. This system to ensure foodstuffs safety during the procedure of preparation, processing, manufacturing, packaging, storage, transportation, distribution, handling or offering of sale or supply activities in any food chain factor. Typically it suitable to conduct for factory level until to the dining table meals in strict complaints.

Food safety defines food as a guarantee against the state chemical, biological or physical might reveal the user or users to the dangers to health. Otherwise, HACCP system is a system comply to identifies, evaluates, and controls hazards that a significant for food safety that consists of seven principles (MS 1489:2007).

4.3. Manual procedure of Halal certification Malaysia (JAKIM, 2011)

The purpose of about the use of Malaysian Halal Certification Procedures Manual (MPPHM) 2011 (Second Revision) in Malaysia Halal certification by the Department of Islamic Development Malaysia (JAKIM). It also certificate by every State Islamic Religious Department (JAIN) in Malaysia Halal certification. Furthermore, it is the main reference in Malaysia's halal certification and complements the MS 1500: 2009 and related standards by JAKIM and JAIN examiners.

It is most relevant procedures for halal certification in Malaysia that related types of business that comply halal concept. The needs of food premise requirement had discussed in this procedures. There are justify including these requirements:

- Raw materials / ingredient
- Primary reference
- Management responsibilities

Table 3. The food premise requirement for halal certification in Malaysia

Food premise requirement	Justification
Raw materials / ingredient	<p>Raw materials / ingredients derived from animals must be certified halal by Jakim / MAIN / JAIN or halal certification bodies recognized abroad. A copy of the certificate shall be attached to an exhibit halal certification</p> <p>The finished product must accompany with complete product specifications and detailed (including source and composition)</p> <p>List of raw materials used in the product must specified in the application form</p> <p>Raw materials / ingredients should be stored in a separate store and not mixed with non-halal ingredients</p> <p>Liquor or any sources contain liquor ingredient does not allow to the kitchen and restaurant area</p>
Primary reference	<p>MS 1500:2009 - Halal Food – Production, Preparation, Handling And Storage – General Guidelines</p> <p>Food Act 1983 (Act 281), Food Regulations 1985 and Regulation of Food Hygiene and Safety by the Ministry of Health (MOH) in 2009</p> <p>Decision Fatwa Committee of the National Council of Islamic Religious Affairs BagiHal or fatwa proclaimed by the state</p>
Management responsibilities	<p>Terms and manpower needs of Muslims:</p> <p>Internal Halal Committee Chairman shall consist of a Muslim at the management</p>

level.

Internal Halal Executive Committee composed of a Muslim citizen who has the educational background of Islamic / Halal Executive Certificate or certificate courses related to food handling.

The supervisor shall Muslim permanents, Malaysian, competent regarding dietary management system and working over time in the control / food processing.

Employees shall Muslim permanent, competent about dietary management system and working over time in the control / food processing. The applicant shall establish:

i) Internal Halal Management Committee shall establish Internal Halal Committee that consistsf permanent staff at all times. Minima for committee members comprised of four:

a. Chairman - Level Management;

b. Muslim Halal executive;

c. Officer responsible for making purchasing decisions raw materials; and

d. Representative of production parts.

ii) Each applicant must have a Muslim worker according to the following categories:

a. For each of the hotel's kitchen, the applicant shall provide a minimum of two (2) employees

Muslim;

b. For restaurant and cafeteria / canteen / catering service, applicants must have a minimum of two (2) employees and a supervisor Muslim;

c. For food court management is centralized, applicants must have a minimum of a Muslim worker in each outlet;

d. For a restaurant chain, applicants must have minimum of two (2) employees Muslim; and

e. For the kiosks, applicants must have a minimum of a Muslim worker.

iii) Halal Assurance System Companies must develop Halal Assurance System. Refer to JHM 2011 (Malaysia Halal Assurance System in 2011

4.4. Trade descriptions Act 2011

The Trade Descriptions Act 2012 known as Act 730 conduct several halal for product, goods and services in Malaysia. It is crucial for the halal industry to sustain legally. In this act, there are two order regarding halal. There are the Trade Description of Certification and Marking of 'Halal' Order 2011 and Certification and Marking of Halal fees Regulation 2011.

Nine (9) criteria on Certification and Marking of 'Halal' Order 2011 starts with citation and commencement, interpretation and thirdly is the competent authorities was point to JAKIM and the Islamic Religous Council. The next criteria are certification of description of halal explains all food, goods and services related that described as halal should certified. It should by a competent authority and marked the logo. The same method used if all the food supplied by a non-Muslim company. Certification of 'halal' for food and imported goods, importer or manufacturer need declaration from certified as halal by foreign halal certification body that JAKIM recognized. Other criteria are

marking of food, products and services; application for certification and fee should follow the standards and procedures Malaysian authorities. Lastly, offence and transitional created for the penalty charges purpose.

The Certification and Marking of Halal Fees Regulations 2011 summarized about the citation and commencement of general information. Besides, the application for certification and fee divided by categories of sector involved. As the paper study of the food premise, it was under food premise, restaurant, kitchen and hotel matters. These classes only cost RM100 for each premise for the fee payable to apply the halal certificate under Trade Description.

5. Findings

The literatures studies on previously selected relevance, regulatory policies in governing portrays the determination of Malaysian government to implement the halal concept globally. However, there seem to have a lack of the systematic process clearly presented by discussed policies. There is a need to improve the misunderstanding of the right authority to refer for the first-time owner or operations mainly.

Finally, further explorations are required to develop and implement the best practices for Halal food premises design concept. It is hope that in the near future, a smooth, systematic layering process of developing a Halal concept for food premise design envisioned.

Table 4. The summaries of differentiate relevance regulatory policies for food premises towards halal concept in Malaysia

Food Act 1983	Malaysian Standards	Malaysian Halal Certification Procedure Manual 2011 (JAKIM)	Trade Descriptions Act 2011
Administration and enforcement Sanitary (not clean) for food premise and equipment i. Report letter (warning) - inspections - penalty = Imprisonment not exceed 5 years or fine or both ii. Writing report for closure of premises were not clean (14 days) if not comply penalty = Imprisonment not exceed 5 years or fine or both	MS 1500:2009 Food industry starts from preparation, handling and serving process of halal food, product includes trade and business • Premise elements: Layout design Flow of product process Condition Slaughtering	Created for halal certification procedure legally in Malaysia Food premise requirement: Raw materials/ingredient • Must certified halal by JAKIM/MAIN/JAIN or recognized abroad	Basically conduct several product, goods, and services for halal in Malaysia Trade Description for Certification & Marking of "Halal" Order 2011 9 criteria: • Citation and commencement • Interpretation • Competent authorities • Certification description • Marking of food, products and services • Application for certification and fee • Offence and transitional
Offences and evidence specifically for food product: • Food contain harmful ingredient • Claim tags • Fake food label Penalty = Cancelled license	MS 1514:2009 A set of regulation, codes, and guidelines control operational condition within food establishment production of safe food: • Food hygiene practices • Protection cross-contamination foods during-between operations MS 1480:2007 System to ensure foodstuffs safety during procedure preparation, processing, manufacturing, packaging, storage, transportation,	Primary reference • MS 1500:2009 • Food Act 1983 • Fatwa Committee of National Council of Islamic Affairs Management responsibilities Terms and Muslims manpower Internal Halal Committee/Executive/supervisor/permanent employee – management covered all	Certification & Marking of Halal fees Regulation 2011 Citation and commencement • Certificated and fee application divided by categories (food premise covered): Restaurant, kitchen, and hotel • Cost RM100

distribution, handling or offering of sale or supply any food chain	categories of flow of food processing (each/4members)
<ul style="list-style-type: none"> • Comply identify, evaluates and control hazards significant food safety consists 7 principles 	<ul style="list-style-type: none"> • Food premises – two (2)employees Muslim (management and operation) • Kiosk minimum one (1) employee

6. Further research potential

The halal concept in the design of the food premise in Malaysia has paved way for future research to create compliance design guideline. This section will suggest some potential scope of the study in halal for food premise.

Further research needs to explore for halal and non-halal food premise design issues. It often happened in local, but the design will guide this problem to solved. Besides, the comparative study of understanding awareness among current and potential owner of the food premises. Analysis by JAKIM stated that majority company applied halal certificate came from non-Muslim entrepreneur.

Another suggestion is to study the public perception of halal concept for food premise design in the context of Malaysia. It will show the multi-culture point of views. As for the consumers, studies on perception will improve current policies at the same time bring another level for better quality of life.

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